

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 07-2446 & 07-2514

Fontroy v. Beard
(E.D. Pa. No. 02-cv-2949)

ORDER

Insofar as Derrick D. Fontroy has been advised that he must either pay the filing and docketing fees for 3rd Cir. No. 07-2514 or file a motion for leave to proceed in forma pauperis accompanied by a motion demonstrating that the subject matter of the appeal concerns an issue placing appellant in imminent danger of serious physical injury, and after being warned that the failure to comply with those requirements would result in the dismissal of the appeal as to him, Mr. Fontroy has failed to comply, to the extent that he has filed a cross-appeal, that appeal is dismissed as to him. Mr. Fontroy has also failed to submit the required certified statement of his prison account.

As to defendants Savage and Wheeler, although they have not complied with the requirements as to payment of the required fees, they have not been formally warned that failure to comply will result in their dismissal from the cross-appeal. Accordingly, unless Mr. Savage pays the required filing and docketing fees, or files a motion for leave to proceed in forma pauperis which is complete and is accompanied by a motion demonstrating that the appeal concerns a matter placing him in imminent danger of serious physical injury within thirty (30) days of the date of this order, the cross-appeal will be dismissed as to him without further notice.

Within thirty (30) days of the date of this order, Mr. Wheeler must file a motion for leave to proceed in forma pauperis accompanied by the required certified statement of his prison account and a form authorizing the withdrawal of assessments for the fees, or actually pay the fees. Should he fail to pay the fees or file the required motion for leave to proceed in forma pauperis within that 30 day period, the cross-appeal will be dismissed as to him without further notice.



Marcia M. Waldron

Marcia M. Waldron, Clerk

For the Court,

/s/ Marcia M. Waldron
Clerk

Dated: August 3, 2007
ARL/cc: TBH; CMT